IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13254 of 2003

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE MD SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PAGI VAGHABHAI KANABHAI - Petitioner(s)
Versus
INSPECTOR GENERAL & 2 - Respondent(s)

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Appearance :
MR MS TRIVEDI for Petitioner(s) : 1,
Mr.J.M.Malkan, Asstt.Solicitor General for the respondents.

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE MD SHAH

Date : 20/09/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

Heard Mr.M.S.Trivedi, learned Counsel for the petitioner and Mr. J.M. Malkan, Asstt. Solicitor General for the respondents.

The petitioner was serving as Ex. Constable. He was dismissed from service by an order dated 4-2-1999 passed by the disciplinary authority against which he preferred an appeal which was dismissed on 14-6-1999. Revision Application filed against both the orders passed by the disciplinary authority as well as the Appellate authority came to be dismissed by the revisional authority by an order dated 8-8-2003 on the ground of gross delay and laches.

The petitioner has challenged in this petition only the impugned order dated 8-8-2003 passed by the revisional authority-respondent no.1 rejecting his revision application on the ground of gross delay and laches. Orders of disciplinary authority and appellate authority are not challenged in this petition inasmuch as there is no prayer for quashing and setting aside those orders.

On the basis of the letter dated 8/10-6-2000 addressed by the petitioner to the Inspector General-respondent no.1, it was tried to be

submitted that the petitioner had in fact filed revision on 10-6-2000 against the impugned orders passed by the disciplinary authority and the appellate authority before the revisional authority. The said revision was sent by registered post from Shahera Post Office, but the same had not reached the authority. Therefore, along with the letter dated 14-4-2003 Annexure 'B', copy of the revision was sent to the revisional authority. However, the revision application was dismissed by the authority by its impugned order dated 8-8-2003 only on the ground of delay and laches, Mr. Trivedi for the petitioner submitted that the revisional authoruity was wholly in error in rejecting his revision application on the ground of delay and laches. He submitted that the revisional authority erred in rejecting his revision application on the ground that after an inordinate delay of more than four years revision application was filed challenging the order of the disciplinary authority as well as the appellate authority. He submitted that the revisional authority has not taken into consideration the fact that, in fact, revision petition was filed on 10-6-2000, but the same did not reach their office. Therefore, the petitioner had sent copy of the said revision in 2003 which was rejected by the revisional authority on the

ground that it was filed after gross delay of four years. Even assuming for the sake of argument that the petitioner had sent revision by registered post on 10-6-2000, but then also, it was time-barred because the disciplinary authority passed the impugned order on 4-2-1999 and the appellate authority dismissed the appeal on 14-6-1999. Thus, there was a delay of almost one year when the revision petition was sent. In fact, it was submitted by Mr. Trivedi that the revision petition was sent at the wrong address, and therefore, it was returned and it was in 2003 that a copy of the same was sent to the revisional authority. If there was any mistake on the part of the petitioner, the authority cannot be blamed for receiving the revision late. Thus, it is clear that the revision was received by the authority after a period of four years and if on that ground alone, authority has thought it fit to reject the revision application, then no fault can be found with such orders. At the cost of repetition, we may state that even on first occasion i.e. on 10-6-2000 when the revision was despatched by registered post, it was time barred. Though it was time barred, no application for condonation of delay in it was filed.

Under the circumstances, there is no question of interference by this Court.

In view of the above discussion, this petition fails and is hereby dismissed. Rule discharged. No costs

(B.J.Shethna,J.)

(M.D.Shah,J.)

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